

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2330 of 2018

Palwinder Singh, son of Late Mahendra Singh, resident of Mohalla- Near
Petrol Pump, Khuski Bagh, Police Station- Khurki Bagh, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Excise Department, Purnea Division, Purnea.
3. District Magistrate, Purnea.
4. Officer-in- Charge, K.Hat (Sahayak), Police Station- Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vikram Singh, Advocate
For the Respondent/s : Mr. Vikash Kumar- SC11

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-02-2018

Having heard learned counsel for the parties, we find that vehicle of the petitioner bearing Registration No. BR-11-M/7195 was seized in connection with K. Hat (Sahayak) P.S. Case No. 636 of 2017 on account of violation of the Excise Act. Seeking release of the vehicle petitioner had approached this Court in C.W.J.C. No. 15166 of 2017 and on 03.11.2017 we had allowed the writ petition and directed for release of the vehicle in question subject to furnishing Bank Guarantee to the satisfaction of the District Magistrate, Purnea. Now, the petitioner makes a prayer for permitting submission of Bank



Guarantee to the extent of Rs. 3 lacs as the petitioner is suffering from Cancer and is unable to furnish Bank Guarantee to the tune of Rs. 6 lacs as claimed by the Collector for release of the vehicle in question. Bringing on record documents which prevents the petitioner from furnishing a Bank Guarantee of Rs. 6 lacs, the prayer made is to permit release of the vehicle in question on certain alternate conditions.

Having heard learned counsel for the parties and on consideration of the grievance raised by the petitioner, we are of the considered view that in the peculiar facts and circumstances of the present case, petitioner's prayer warrants sympathetic consideration. Accordingly, we allow this petition and modify the earlier order passed on 03.11.2017 in C.W.J.C. No. 15166 of 2017 and direct that instead of furnishing Bank Guarantee to the satisfaction of the District Magistrate, petitioner shall furnish Bank Guarantee of Rs. 3 lacs to the District Magistrate, Purnea along with one surety and further undertake to produce the vehicle in question as and when directed by the District Magistrate and not to alienate the vehicle in question or deal with it in any manner whatsoever prejudicial to the interest of the State Government. On the petitioner doing so, the vehicle in question be released within one week of compliance.



With the aforesaid, the writ petition stands disposed
of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	26.02.2018
Transmission Date	

